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Sens. Refer Ex-USOC Chief To DOJ Over 'False Statements'

By **Zachary Zagger**

Law360 (December 14, 2018, 4:58 PM EST) -- Senate subcommittee leaders on Friday referred former U.S. Olympic Committee CEO Scott Blackmun to the U.S. Department of Justice and the FBI for an investigation into whether he made "materially false statements" about following up on allegations against former Olympic gymnastics team doctor and convicted abuser Larry Nassar.



Former U.S. Olympic Committee CEO Scott Blackmun has been referred for investigation into whether he obstructed a Senate subcommittee's efforts to look into the handling of sexual assault and abuse allegations in Olympic sports. (AP)

Sens. Jerry Moran, R-Kan., and Richard Blumenthal, D-Conn., respectively the chairman and ranking member of the U.S. Senate Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, referred him for investigation into potential obstruction of its investigation.

The subcommittee has held multiple hearings investigating the USOC and Olympic sports governing bodies' handling of sexual assault and abuse allegations amid a wave of allegations that have come to light in recent years, most notably with Nassar, who has been convicted of abusing young girls and is facing claims from hundreds of other women. Nassar was **effectively sentenced to life in prison** earlier this year.

"The subcommittee takes its oversight role seriously, and it appears that Mr. Blackmun has made false claims and misled our subcommittee — harming the investigation and ability to develop policy," Sens. Moran and Blumenthal said in a statement. "Just as importantly, survivors of abuse have had to wait longer for the truth and longer for systemic changes to help prevent others from similar injury."

The referral to acting Attorney General Matthew Whitaker and FBI Director Christopher Wray comes just days after the law firm Ropes & Gray LLP **released a report** commissioned by the USOC that highlighted Blackmun and the USOC's "inaction" after learning of allegations against Nassar.

Blackmun, who stepped down as the head of the USOC in February citing a battle with prostate cancer, did not appear at a subcommittee hearing on **June 5**. But in written testimony, Blackmun said that he was informed of the Nassar allegations in July 2015 when Steve Penny, the former

president of USA Gymnastics — the national governing body for the sport — told Blackmun that he was going to report the Nassar allegations to law enforcement.

Blackmun said he then “spoke to the USOC’s safe sport staff” and that his “understanding was that reporting the doctor [Nassar] to law enforcement was the most aggressive thing that could be done. I also understood that once it was reported, the issue should be left in the hands of law enforcement — we did not want to interfere with their investigation in any way.”

But the Ropes & Gray report said “there is no evidence” Blackmun ever met with or discussed the allegations with USOC staff, or that he or USOC chief of sport performance Alan Ashley, who was also informed of the allegations, ever made sure USA Gymnastics reported the allegations to law enforcement.

“After receiving this information, Mr. Blackmun and Mr. Ashley did not alert any other USOC employee or board member, independently confirm that [USA Gymnastics] had reported the conduct to law enforcement and appropriate state authorities, or take any other action,” the Ropes & Gray report said.

Blackmun, through his counsel, told the independent investigators “he was mistaken in his recollection about having undertaken such an effort,” according to the report.

Ashley was terminated on Monday following the Ropes & Gray report. Penny has been indicted on charges alleging he destroyed evidence to impede an investigation into Nassar.

Blackmun took over as the USOC chief executive in 2010 after serving as its general counsel. He could not immediately be reached for comment.

A spokesman for the USOC said they have no comment on the referral for an investigation. On Monday, following the release of the Ropes & Gray report, USOC board chair Susanne Lyons issued a statement saying, “The U.S. Olympic community failed the victims, survivors and their families, and we apologize again to everyone who has been harmed.”

The USOC is a private nonprofit organization that Congress granted authority to control the U.S.’s participation in the Olympics under the Ted Stevens Olympic and Amateur Sports Act. But the organization is now under scrutiny from federal lawmakers and facing dozens of lawsuits over the Nassar scandal.

Earlier this year, Sen. Blumenthal **threatened further congressional action** to reform Olympic sports amid the Nassar and other sexual abuse and assault scandals. More fundamental changes “have to be on the table,” including “a possible revision, even revocation, of tax exemptions and antitrust exemptions in the event that the USOC fails to be responsive,” Blumenthal said in October.

The USOC launched the independent U.S. Center for SafeSport in 2017 to handle claims of abuse, sexual assault, harassment and bullying. In January, Congress **empowered the organization** to investigate and resolve reports of abuse and to develop safeguards to prevent such abuse from happening.

--Additional reporting by Cara Salvatore and Ryan Boysen. Editing by Adam LoBelia.